

Court of Appeals, Division One
Civil Appeal

1 CA-CV 15-0188

BARNET et al. v. MMRG et al.

Appellate Case Information

Case Filed: 25-Mar-2015
Case Closed:

Dept/Composition

Department B

Hon. Randall M Howe
Hon. Jon W Thompson
Hon. Peter B Swann

Side 1. RONALD W. BARNET, individually and on behalf of PHOENIX HEALTHCARE GROUP, LLC, an Arizona limited liability company, Plaintiff/Appellant

(Litigant Group) RONALD W BARNET et al.

- Ronald W Barnet
- Phoenix Healthcare Group LLC

Attorneys for: Plaintiffs/Appellants

Joseph A Schenk, Esq. (AZ Bar No. 9260)
Jason Covault, Esq. (AZ Bar No. 25425)

Side 2. MEDICAL MANAGEMENT RESOURCES GROUP, LLC, an Arizona limited liability company; BARNET DULANEY SURGERY CENTER, LLC, an Arizona limited liability company; BARNET DULANEY PERKINS EYE CENTER, PLLC, an Arizona professional limited liability company; SCOTT A. PERKINS, M.D. and JANE DOE PERKINS; MARK ROSENBERG and JANE DOE ROSENBERG, Defendant/Appellee

(Litigant Group) MEDICAL MANAGEMENT RESOURCES et al.

- Medical Management Resources Group LLC
- Barnet Dulaney Surgery Center LLC
- Barnet Dulaney Perkins Eye Center PLLC

Attorneys for: Defendants/Appellees

Nicole M Goodwin, Esq. (AZ Bar No. 24593)
Nedda R Gales, Esq. (AZ Bar No. 29670)

(Litigant Group) PERKINS/ROSENBERG

- Scott A Perkins
- Mark Rosenberg

Attorneys for: Defendants/Appellees Perkins et al.

Robert N Mann, Esq. (AZ Bar No. 15892)
Ben J Himmelstein, Esq. (AZ Bar No. 23267)

CASE STATUS

Nov 28, 2016....Assigned

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	CV2011-020543	Declaratory Relief; Breach of Fiduciary Duty		Mark H Brain, Authoring Judge of Order		

CALENDAR

Tuesday MONTHLY COURT CASE CALENDAR
10-Jan-2017 Department B; COURTROOM 2
10:45 AM

46 PROCEEDING ENTRIES

1.	25-Mar-2015	FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 03/24/15 Docketing Statement filed in Superior Court: 3/6/15
2.	25-Mar-2015	FILED: e-Record on Appeal: Instruments/Minute Entries
3.	6-Apr-2015	FILED: Notice to Parties re: Appellants' Fee/Brief Due
4.	9-Apr-2015	FILED: Notice of Payment of Appellants' Filing Fee; Certificate of Service of Notice of Payment of Filing Fee (Appellants)
5.	15-Apr-2015	RECEIPT No.: 2015-00485 ; \$280.00, Authorization: #4018796266, Applied to: RONALD W BARNET et al. - Class A Filing Fee (\$280.00) Paid for: Aiken Schenk Hawkins & Ricciardi PC - By Integrated Resource Systems IN
6.	17-Apr-2015	FILED: Appellee's Notice re: Appellee's Fee/Appellant's Brief Due
7.	20-Apr-2015	FILED: Amended Appellee's Notice re: Appellee's Fee/Appellant's Brief Due
8.	29-Apr-2015	FILED: Notice of Payment of Appellees' Perkins and Rosenberg Filing Fee; Certificate of Service of Notice of Payment of Appellee's Filing Fee

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9. 4-May-2015 RECEIPT No.: 2015-00595 ; \$140.00, Authorization: #24002716919, Applied to: PERKINS/ROSENBERG - Class B Filing Fee (\$140.00) Paid for: The Frutkin Law Firm PLC - By Integrated Resource Systems IN
10. 4-May-2015 FILED: Case Management Statement of Appellees Medical Management Resources Group, LLC, Barnet Dulaney Surgery Center, LLC, and Barnet Dulaney Perkins Eye Center, PLLC; (Case Management Statement of Appellees Medical Management Resources Group, LLC, Barnet Dulaney Surgery Center, LLC, and Barnet Dulaney Perkins Eye Center, PLLC) Exhibit A; Certificate of Service of Case Management Statement of Appellees Medical Management Resources Group, LLC, Barnet Dulaney Surgery Center, LLC, and Barnet Dulaney Perkins Eye Center, PLLC (Appellee)
11. 7-May-2015 RECEIPT No.: 2015-00611 ; \$140.00, Authorization: #26013727052, Applied to: MEDICAL MANAGEMENT RESOURCES et al. - Class B Filing Fee (\$140.00) Paid for: Greenberg Taurig LLP - By Integrated Resource Systems IN
12. 21-May-2015 FILED: Notice of Settlement and Stipulation for Stay of Proceedings; Certificate of Service of Notice of Settlement and Stipulation for Stay of Proceedings (Appellant)
13. 21-May-2015 ORDERED: staying appeal until 10/30/15, when appeal will be automatically reinstated w/o further action by this court. FURTHER ORDERED: If a motion to dismiss appeal has not been filed on/before 10/30/15, opening brief shall be due on 11/30/15. Melina Brill ProTem Judge - Author
14. 1-Oct-2015 FILED: Notice of Failed Settlement and Request to Terminate Stay; Certificate of Service of Notice of Failed Settlement and Request to Terminate Stay (Appellant)
15. 13-Oct-2015 FILED: Appellants' Opening Brief; Certificate of Compliance; Certificate of Service
16. 13-Oct-2015 FILED: Appendix to Appellants' Opening Brief; Appendix A through D
17. 13-Oct-2015 FILED: Appellants' Request for Oral Argument; Certificate of Service (Appellant)
18. 26-Oct-2015 ORDERED: terminating stay and reinstating this appeal. FURTHER ORDERED: Answering briefs are due on/before 11/30/15. Melina Brill ProTem Judge - Author
19. 27-Oct-2015 FILED: Appellees Medical Management Resources Group, LLC, Barnet Dulaney Surgery Center, LLC, and Barnet Dulaney Perkins Eye Center PLLC's Motion for Extension of Time to File Answering Brief; Certificate of Service (Appellee)
20. 28-Oct-2015 ORDERED: Appellees Medical Management Resources Group, LLC, Barnet Dulaney Surgery Center, LLC, and Barnet Dulaney Perkins Eye Center PLLC's Motion for Extension of Time to File Answering Brief (Appellee) = GRANTED and extending time for filing all answering briefs to/including 01-11-2016. Melina Brill ProTem Judge - Author
21. 6-Jan-2016 FILED: Defendants/Appellees Rosenberg and Perkins' Unopposed Procedural Motion to Extend Answering Brief Date One Week; Certificate of Service (Appellee)
22. 7-Jan-2016 ORDERED: granting motion and extending time for Scott A Perkins and Mark Rosenberg to file their answering brief to/including 1/19/16. FURTHER ORDERED: Appellants' consolidated reply brief shall be due w/in 20 days after service of Scott A Perkins and Mark Rosenberg's answering brief. Melina Brill ProTem Judge - Author
23. 11-Jan-2016 FILED: Appendix In Support of Answering Brief of Appellees Medical Management Resources Group, LLC, Barnet Dulaney Surgery Center, LLC and Barnet Dulaney Perkins Eye Center, PLLC (Volume 1) (Appellee)
24. 11-Jan-2016 FILED: Appendix In Support of Answering Brief of Appellees Medical Management Resources Group, LLC, Barnet Dulaney Surgery Center, LLC and Barnet Dulaney Perkins Eye Center, PLLC (Volume 2) (Appellee)
25. 11-Jan-2016 FILED: Appendix In Support of Answering Brief of Appellees Medical Management Resources Group, LLC, Barnet Dulaney Surgery Center, LLC and Barnet Dulaney Perkins Eye Center, PLLC (Volume 3) (Appellee)
26. 11-Jan-2016 FILED: Appendix In Support of Answering Brief of Appellees Medical Management Resources Group, LLC, Barnet Dulaney Surgery Center, LLC and Barnet Dulaney Perkins Eye Center, PLLC (Volume 4) (Appellee)
27. 11-Jan-2016 FILED: Appendix In Support of Answering Brief of Appellees Medical Management Resources Group, LLC, Barnet Dulaney Surgery Center, LLC and Barnet Dulaney Perkins Eye Center, PLLC (Volume 5) (Appellee)
28. 11-Jan-2016 FILED: Answering Brief of Appellees Medical Management Resources Group, LLC, Barnet Dulaney Surgery Center, LLC and Barnet Dulaney Perkins Eye Center, PLLC; Certificate of Compliance; Certificate of Service (Appellee)
29. 19-Jan-2016 FILED: Appellees Rosenbergs' & Perkins' Answering Brief; Certificate of Compliance; Certificate of Service
30. 21-Jan-2016 FILED: Courtesy Copy of Appellees Rosenbergs' & Perkins' Answering Brief (Appellee)

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| 31. | 4-Feb-2016 | FILED: Motion for Extension of Time to File Appellants' Consolidated Reply Brief; Certificate of Service (Appellant) |
| 32. | 5-Feb-2016 | ORDERED: Motion for Extension of Time to File Appellants' Consolidated Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Tuesday, 02-16-2016 to Monday, 03-07-2016. Barbara Vidal Vaught ProTem Judge - Author |
| 33. | 9-Feb-2016 | FILED: Rosenberg & Perkins Defendants/Appellees' Request for Extended Oral Argument; Certificate of Service (Appellee) |
| 34. | 2-Mar-2016 | FILED: Appellants' Consolidated Reply Brief; Certificate of Compliance; Certificate of Service |
| 35. | 2-Mar-2016 | FILED: Appendix to Appellants' Consolidated Reply Brief (Appellant) |
| 36. | 29-Mar-2016 | FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days |
| 37. | 8-Apr-2016 | FILED: Supplemented Superior Court e-Record with Revised Index of Record |
| 38. | 12-Apr-2016 | ORDERED: Appellants' Request for Oral Argument (Appellant) = GRANTED. FURTHER ORDERED: Rosenberg & Perkins Defendants/Appellees' Request for Extended Oral Argument (Appellee) = DENIED w/o prejudice to reconsideration by merits panel. Hon Michael J Brown - Author |
| 39. | 28-Nov-2016 | CLNDR: MONTHLY COURT CASE CALENDAR, Department B, 1-10-17, 11:30 am, COURTROOM 2. |
| 40. | 29-Nov-2016 | FILED: Notice of Oral Argument |
| 41. | 29-Nov-2016 | FILED: Receipt for Notice of Oral Argument, signed by Nicole M Goodwin on 11/29/2016 (Appellees MMR) |
| 42. | 30-Nov-2016 | FILED: Receipt for Notice of Oral Argument, signed by Robert N Mann on 11/29/2016 (Appellees Perkins et al.) |
| 43. | 30-Nov-2016 | FILED: Receipt for Notice of Oral Argument, signed by Joseph A Schenk on 11/29/2016 (Appellants) |
| 44. | 13-Dec-2016 | FILED: Memorandum: Judge Swann for Judge Winthrop (Chief Judge Brown) |
| 45. | 13-Dec-2016 | FILED: Stipulated and Renewed Motion for Extended Oral Argument; Certificate of Service (Appellee) |
| 46. | 15-Dec-2016 | ORDERED: resetting oral argument on 01/10/2017, at 10:45 a.m. instead of 11:30 a.m. in Courtroom 2 before Department B. Each side shall have 30 minutes to present oral argument. Hon Randall M Howe - Author |